

1 COGBURN LAW OFFICES  
Jamie S. Cogburn, Esq.  
2 Nevada Bar No. 8409  
jsc@cogburnlaw.com  
3 Joshua A. Dowling, Esq.  
Nevada Bar No. 12956  
4 jdowling@cogburnlaw.com  
2580 St. Rose Parkway, Suite 330  
5 Henderson, Nevada 89074  
Telephone: (702) 748-7777  
6 Facsimile: (702) 966-3880  
*Attorneys for Plaintiff*

7  
8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 TAWNDRA L. HEATH, an individual,  
11 Plaintiff,

12 vs.

13 TRISTAR PRODUCTS, INC., a  
Pennsylvania corporation; ZHONGSHAN  
14 JINGUANG HOUSEHOLD APPLIANCE  
MANUFACTURE CO., LTD, a foreign  
15 corporation; DOE Individuals 1–10; and  
ROE Corporations 11–20;  
16 Defendant.

Case Number  
2:17-cv-02869-GMN-PAL

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

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18 Plaintiff, Tawndra L. Heath, by and through her counsel, Jamie S. Cogburn, Esq. and  
19 Joshua A. Dowling, Esq. of Cogburn Law Offices, and Tristar Products, Inc., by and through their  
20 counsel, Alexandria L. Layton, Esq. of Snell & Wilmer, LLP, hereby stipulate and agree as  
21 follows:

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1                   **1.     NATURE OF THE ACTION**

2           This is an action for personal injuries arising from an incident occurring on December 29,  
3 2016. Plaintiff alleges Defendants designed, manufactured, sold and distributed a pressure cooker,  
4 Power Pressure Cooker XL, Model No. PPC770, online from the Power Pressure Cooker XL  
5 website, <http://www.powerpressurecooker.com/>, on November 20, 2014. Plaintiff further alleges  
6 the subject pressure cooker reached her, without substantial change in its condition. On December  
7 29, 2016, Plaintiff alleges the pressure cooker exploded due to a product defect and/or Defendants'  
8 negligence. As a result of the subject incident, Plaintiff claims severe injuries and damages which  
9 are permanent in nature.

10                   **2.     DISCOVERY THAT HAS BEEN COMPLETED**

11           The parties have exchanged FRCP 26(f) disclosures of documentary evidence and  
12 witnesses, inclusive of Plaintiff's treatment records. In addition, the parties have completed the  
13 following written discovery and depositions:

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1                   i.       **Plaintiff, Tawndra Heath**

2                   a.       Plaintiff's Requests for Production of Documents; and,

3                   b.       Defendant, Tristar Products, Inc. Responded.

4                   ii.       **Defendant, Tristar Products, Inc.**

5                   a.       Defendant's Proposed Protective Order

6       3.       **A SPECIFIC DESCRIPTION OF THE DISCOVERY THAT**  
7       **REMAINS TO BE COMPLETED**

8                   i.       **Plaintiff, Tawndra Heath**

9                   a.       Deposition of Defendant, Tristar Products, Inc.'s Corporate  
10                  Representative(s);

11                  b.       Deposition of Defendant, Zhongshan Jinguang Household  
12                  Appliance Manufacture Co., Ltd.'s Corporate  
13                  Representative(s);

14                  c.       Written Discovery to Defendant, Zhongshan Jinguang  
15                  Household Appliance Manufacture Co., Ltd.; and,

16                  d.       Expert discovery.

17                  ii.       **Defendant, Tristar Products, Inc.**

18                  a.       Deposition of Plaintiff Tawndra L. Heath;

19                  b.       Written discovery to Plaintiff Tawndra L. Heath;

20                  c.       Inspection of subject product; and,

21                  d.       Expert discovery.

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1                   4.     **THE REASONS WHY THE DISCOVERY REMAINING WAS NOT**  
2                           **COMPLETED WITHIN THE TIME LIMITS SET BY THE**  
3                           **DISCOVERY ORDER**

4                           i.     **Defendant Zhongshan Jinguang Household Appliance**  
5                                   **Manufacture Co., Ltd. Has Not Yet Appeared**

6                   On February 22, 2018, counsel for Plaintiff and Defendant, Tristar Products, Inc. stipulated  
7                   to allow Plaintiff to add as a party to the instant lawsuit, foreign corporation, Zhongshan Jinguang  
8                   Household Appliance Manufacture Co., Ltd., which is believed to be the manufacturer of the  
9                   subject product. Accordingly, Plaintiff filed her First Amended Complaint adding Zhongshan  
10                  Jinguang Household Appliance Manufacture Co., Ltd., as a party.

11                 On March 26, 2018, Plaintiff her *Ex Parte* Motion to Enlarge Time for Service Upon  
12                 Zhongshan Jinguang Household Appliance Manufacture Co., Ltd. This Court issued an Order  
13                 Granting *Ex Parte* Motion to Extend Time to Serve on April 6, 2018, allowing Plaintiff until  
14                 September 5, 2018 to effectuate service upon Defendant, Zhongshan Jinguang Household  
15                 Appliance Manufacture Co., Ltd.

16                 Despite exercising due diligence, Plaintiff has not yet effectuated service upon Defendant,  
17                 Zhongshan Jinguang Household Appliance Manufacture Co., Ltd. and it is anticipated this  
18                 defendant will request additional time to conduct its own discovery in this matter.

19                           ii.    **Plaintiff Has Not Yet Received Documents Responsive to her**  
20                                   **Requests for Production of Documents from Defendant, Tristar**  
21                                   **Products, Inc. Because the Parties Have Been Negotiating the**  
22                                   **Protective Order in Good Faith, Thereby Delaying the FRCP**  
23                                   **(30(b)(6) Deposition of its Corporate Representative**

24                 On February 27, 2018, Plaintiff served Requests for Production of Documents on  
25                 Defendant Tristar Products, Inc. On March 26, 2018, Defendant, Tristar Products, Inc. served a  
26                 proposed stipulated protective order via e-mail correspondence and requested a one-week

1 extension to respond to Plaintiff's Requests for Production of Documents. Plaintiff objected to  
2 the language of Defendant, Tristar Products, Inc.'s proposed protective order on April 4, 2018.

3 On April 9, 2018, Defendant, Tristar Products, Inc. served its Responses to Plaintiff's  
4 Requests for Production of Documents. On April 20, 2018, counsel for Plaintiff and counsel for  
5 Defendant, Tristar Products, Inc. conducted a meet and confer conference regarding Defendant's  
6 Responses to Plaintiff's Responses to Requests for Production of Documents pursuant to FRCP  
7 37(a)(2)(B) and LR 26-7(b). Specifically, Defendant, Tristar Products, Inc.'s Responses to  
8 Plaintiff's Requests for Production of Documents provided no documents responsive to Plaintiff's  
9 FRCP 34 requests and, further, represented the same would only be produced following entry of a  
10 protective order.

11 On April 27, 2018, counsel for the parties finalized the language of the proposed stipulated  
12 protective order and agreed the requested documents would be produced after entry of the above-  
13 mentioned protective order. To date, the proposed stipulated protective order has not yet been  
14 executed by this Court, as it was received only recently.

15 Based upon the above, the parties have acted diligently. Nevertheless, the parties require  
16 an extension of discovery deadlines to allow Plaintiff an opportunity to receive and review  
17 documents responsive to her Requests for Production of Documents, review such documentation  
18 in preparation for taking the FRCP 30(B)(6) deposition of Defendants' respective corporate  
19 representatives, and to schedule and attend the FRCP 30(b)(6) depositions of Defendants'  
20 respective corporate representatives.

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1                   **5.     THE PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

2           The parties would like to extend all discovery deadlines, including the deadline to complete  
3 discovery by three months. Specifically, the parties request the following discovery deadlines:

4           Last Date to Complete Discovery:	October 16, 2018;
5           Last Date to Amend Pleadings and Add Parties:	July 16, 2018;
6           Last Date to File Interim Status Report:	August 16, 2018;
7           Last Date to Disclose Initial Experts:	August 16, 2018;
8           Last Date to Disclose Rebuttal Experts:	September 14, 2019;
9           Last Date to File Dispositive Motions:	November 15, 2018; and,
10          Last Date to File Joint Pretrial Order:	December 14, 2018.

11           **CURRENT TRIAL DATE:**

12          There is no current trial date set.

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1 All parties to this matter have agreed to the above terms of the stipulation and the dates of  
2 the extension currently sought.

3 Dated this 2nd day of May, 2018.

Dated this 2<sup>nd</sup> day of May, 2018.

4 **COGBURN LAW OFFICES**

**SNELL & WILMER**

5 By: /s/ Joshua A. Dowling  
6 Jamie S. Cogburn, Esq.  
Nevada Bar No. 8409  
7 Joshua A. Dowling, Esq.  
Nevada Bar No. 12956  
8 2580 St. Rose Parkway, Suite 330  
Henderson, Nevada 89074  
9 *Attorneys for Plaintiff*

By: /s/ Alexandra L. Layton  
Vaughn A. Crawford, Esq.  
Nevada Bar No. 7665  
Alexandria L. Layton, Esq.  
Nevada Bar No. 14228  
3883 Howard Hughes Parkway, Suite 110  
Las Vegas, Nevada 89169  
*Attorneys for Defendant*

10  
11 **ORDER**

12 The foregoing stipulation between the parties is hereby GRANTED.

13 IT IS SO ORDERED.

14 Dated: May 8, 2018

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UNITED STATES MAGISTRATE JUDGE

17 Respectfully submitted by:

18 COGBURN LAW OFFICES

19  
20 By: /s/ Joshua A Dowling  
21 Jamie S. Cogburn, Esq.  
Nevada Bar No. 8409  
22 Joshua A. Dowling, Esq.  
Nevada Bar No. 12956  
23 2879 St. Rose Parkway, Suite 200  
Henderson, Nevada 89052  
24 *Attorneys for Plaintiff*